

FISCAL NOTE

SB 2761 - HB 2786

February 25, 2002

SUMMARY OF BILL: Amends provisions regarding the forfeiture of bail. Specifies that the court may enter judgment for the state against a defendant and the defendant's sureties for the amount of bail and the cost of the forfeiture proceeding initiated by the issuance of the scire facias after 180 days from the date the surety failed to satisfy the court that appearance and surrender of the defendant is impossible or is not the surety's fault. Deletes provision in current law that specifies that a judgment for the cost of the proceedings may be entered against the defendant and the defendant's sureties after the expiration of 180 days from the date the scire facias is returned to the clerk unserved or undelivered. Specifies that the premium paid on a surety contract does not have to be reduced or refunded if the court accepts the surrender of a defendant based on grounds determined to exonerate the bondman outlined in T.C.A. 40-11-132.

ESTIMATED FISCAL IMPACT:

Increase State Expenditures - Less than \$100,000

Decrease State Revenues - Exceeds \$100,000

Decrease Local Government Revenues - Less than \$100,000

Estimate assumes:

- state would experience a decrease in revenues from bail forfeitures estimated to exceed \$100,000 as the provisions of the bill extend the period of time a surety has before judgment of bail forfeiture is entered thus allowing more time to the bondsman to apprehend the defendant potentially reducing the number of bail forfeitures. In addition, the provisions may result in more bail reductions by judges.
- local governments will experience a decrease in revenues from the provision making the defendant's sureties liable for the costs of the bail forfeiture proceeding rather than the costs of the proceedings generally. This decrease in revenues from lost court costs is estimated to be less than \$100,000.
- the state will experience an increase in expenditures to the state prosecution account for the cost of court proceedings of indigent felony defendants which the surety is no longer liable for under the provisions of the bill. This increase is estimated to be less than \$100,000.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James A. Davenport, Executive Director

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